

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

October 19, 2018

Pat Cipollone
c/o Emmet Flood
Office of the White House Counsel
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. Cipollone,

Congratulations on your new appointment as White House Counsel. We write to request that the White House work with us to reach an agreement on a consensus package of nominees for vacancies to the Ninth Circuit and to the district court vacancies in the Central and Southern Districts of California.

On October 5, 2018, Senator Feinstein sent a letter to then-White House Counsel Don McGahn about a potential package of Ninth Circuit nominees that would have included James Rogan from the White House's list, Judge Lucy Koh from our list of recommended candidates, and a third candidate to be further agreed upon. Reporters contacted Judge Koh to say the White House had been saying it had made this offer. While she indicated the offer had never been made to her directly, she would be willing to accept such an offer and work with the White House to move a package. We are writing to clarify that both Senators Feinstein and Harris would be willing to accept such an offer and work with you to move a package through the Committee quickly.

In the alternative, we would also be willing to work with your office on an agreement similar to one that the White House struck with Senators Durbin and Duckworth. As you know, in that case each party selected one candidate from the other party's list for the Circuit to fill two vacancies. For the Ninth Circuit where there are three vacancies, this would involve our selecting a candidate from the White House list; the White House selecting a candidate from our list for the Ninth Circuit; and further discussions on a third nominee that both parties would agree upon.

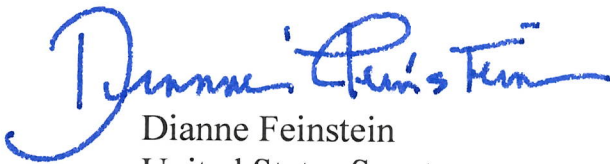
We believe the six vacancies in the Central District of California, along with the three vacancies in the Southern District of California, would also be part of

these discussions. Both of our in-state Committees have reviewed numerous candidates, including those submitted by the White House and we believe we could come up with a consensus package that could include some of the White House's preferred candidates for these vacancies as well.

We continue to oppose the slate of nominees the White House put forward on October 10 that was submitted without our agreement and outside the limited communication that had occurred. However, we are hopeful that working with you and your office, we could reach a bipartisan agreement in a timely manner.

Thank you for your consideration.

Sincerely,



Dianne Feinstein
United States Senator



Kamala D. Harris
United States Senator

cc: Charles Grassley, Chairman, U.S. Senate Committee on the Judiciary